

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eric C. Anderson et al.

Examiner: Yogesh K. Aggarwal

Serial No. 09/213,131

Art Unit: 2622

Filed: 12/15/1998

Attorney Docket No. 1104-069/P126C

For: METHOD AND APPARATUS FOR CORRECTING ASPECT RATIO IN A CAMERA
GRAPHICAL USER INTERFACE

FIRST SUPPLEMENTAL LETTER

IN SUPPORT OF A PETITION UNDER 37 §1.182 TO REPLACE AN IDS

Mail Stop: Office of Legal Administration
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Honorable Commissioner:

This is a First Supplemental Letter in support of a recently filed petition under §1.182 to replace Patent Owner's "original" Information Disclosure Statement (IDS) in the above-identified matter. The original IDS inadvertently included information that is subject to a protective order in International Trade Commission ("ITC") Investigation No. 337-TA-726 ("726 Investigation").

I. BACKGROUND

Patent Owner hereby clarifies that at least one of the protected references was designated as confidential by Patent Owner, and belongs to Patent Owner.

Patent Owner is presently waiting for litigation counsel (Pepper Hamilton, LLP) to identify which of the protected references were designated as confidential by Patent Owner, and to determine whether (after careful review), and where applicable after consultation with third parties who designated the materials as confidential, any of these protected references (designated as confidential by Patent Owner or by third parties) may now be re-designated as non-confidential by Patent Owner.

After Patent Owner receives the above-mentioned detailed identification (including possible re-designations) from litigation counsel, Patent Owner will promptly submit a further Supplemental Letter (or letters) including this information.

Additionally, Patent Owner is attempting to determine (by a letter to the General Counsel of the Patent Office) whether any member of the public has requested a certified copy of the prosecution history in any of the below-identified cases. As far as Patent Owner knows, only Patent Owner has requested a certified copy.

II. RELATED CASES

The above-mentioned matter corresponds to one of the following 10 reexaminations, applications and patents. Petitions to Replace have been filed in each of these 10 reexaminations, applications and patents:

- A. 95/001,431 6,134,606 IDS filed 7/18/2011 '606 reexam (RI1321367-606.A03; W&T 1104-267RE)– PENDING
- B. 95/001,420 6,163,816 IDS filed 7/18/2011 '816 reexam (RI1321366-816; W&T 1104-272RE) – PENDING
- C. 95/001,433 6,262,769 IDS filed 7/19/2011 '769 reexam (RI1321365-769.A01; W&T 1104-284RE) – PENDING
- D. 90/010,834 6,223,190 IDS filed 7/25/2011 '190 second reexam (R132594-834; W&T 1104-282RE2) –CERTIFICATE ISSUED
- E. 90/012,200 6,223,190 IDS filed 4/13/2012 '190 third reexam (R132594-200; W&T 1104-282RE3) –REQUEST FOR REEXAM DENIED
- F. 90/012,090 6,278,447 IDS filed 4/2/2012 '447 third reexam (R132596-C; W&T 1104-286RE3) –CERTIFICATE ISSUED
- G. 11/963,018 8,127,232 IDS filed 9/9/2011 (W&T 1104-040A) – PATENT ISSUED
- H. 09/213,131 8,102,457 IDS filed 7/29/2011 (W&T 1104-069) – PATENT ISSUED
- I. 11/466,629 IDS filed 9/15/2011 (W&T 1104-112) –PENDING
- J. 11/512,575 IDS filed 8/10/2011 (W&T 1104-209) – PENDING, ALLOWED

III. RELIEF REQUESTED

Patent Owner requests that the current “freeze” on public access to non-patent literature (including all of the protected references) associated with the above-identified cases be maintained in the above-identified matter until the Petitions to Replace are decided.

IV. CONCLUSION

The Office is invited to direct any questions or comments regarding this matter to the undersigned at the below-listed telephone number, facsimile number, or e-mail address.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 50-1732.

Although service is not believed to be required since the Reexamination Proceeding has already been concluded, service is nevertheless being made as a courtesy to the third-party Requester. Evidence of service of this Petition is attached hereto as the last page.

An early and favorable action is hereby requested.

Respectfully submitted,

/Ed Garcia-Otero/

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